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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-----------------------------------|------------------------|
| 10/828,499 | 04/21/2004 | Tomohide Ishigami | ISHIGAMI I | 4306 |
| 1444 7590 06/19/2007 BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303 | | | EXAMINER RAO, ANAND SHASHIKANT | |
| | | | ART UNIT 2621 | PAPER NUMBER |
| | | | MAIL DATE 06/19/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/828,499

Applicant(s)

ISHIGAMI ET AL.

Examiner

Andy S. Rao

Art Unit

2621

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 May 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

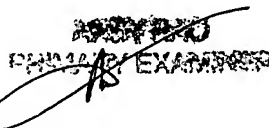
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 11-23.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.


PRIMARY EXAMINER

Andy S. Rao
Primary Examiner
Art Unit: 2621

Continuation of 11. does NOT place the application in condition for allowance because: of the reasons as stated in the accompanying attachment entitled "Response to Request for Reconsideration...".

Response to Request for Reconsideration

1. Applicant's arguments filed on 5/16/07 with respect to 11-23 have been fully considered but they are not persuasive.
2. Claims 11-23 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Paff, as was forth in the Office Action of 1/22/07.
3. The Applicant presents two substantive arguments contending the Examiner's rejection of claims 11-23 under 35 U.S.C. 103(a) as being unpatentable over Paff, as was forth in the Office Action of 1/22/07. However, after a careful consideration of the arguments presented and further scrutiny of the reference, the Examiner must respectfully disagree for the reasons that follow, and maintain the applicability of the rejection for the reasons that follow.

After summarizing the salient features of the instant invention as believed to be embodied in the claims (Request for Reconsideration of 5/16/07: page 6, lines 2-21; page 7, lines 1-12), summarizing of the outstanding rejection (Request for Reconsideration of 5/16/07: page 7, lines 13-21; page 8, lines 1-8), and providing Applicants' interpretation of Paff (Request for Reconsideration of 5/16/07: page 8, lines 9-21), the Applicants argue that the Paff reference as modified fails to address "...camera function determining means for allocating, according to the coordinate information of an object of monitoring on a coordinate space, to a first camera said tracking/shooting function whose field of view is a predetermined direction of said object of monitoring and to a second camera a wide angle shooting function, nor suggests the element corresponding to the camera function determining means..." as in the claims (Request for Reconsideration of 5/16/07: page 9, lines 1-). The Examiner respectfully disagrees. Firstly, it is noted that the use of both camera features aren't inconsistent with each other as is alleged by the

Art Unit: 2621

Applicants (Request for Reconsideration of 5/16/07: page 7, lines 18-21). The Examiner respectfully disagrees. If the operator stops using the master camera to provide updates to the chosen slave camera, but continues to use said slave camera to track the subject the fields of view between two shooting functions would be different (Paff: column 7, lines 45-53), and not have the exact same view correspondence between the master and slave cameras (Paff: column 4, lines 5-25). However, the Examiner notes that the tracking shooting function is discussed in detail with regards to the slave cameras (Paff: column 4, lines 25-35), even though the master camera implements both (Paff: column 8, lines 5-15: “wide angle” and “tracking/shooting” functions). It is the Examiner’s contention that only the disclosed master camera has the ability to make use of both types of functions depending on the set up by the operator, and in the event of an update cancellation of the master camera, the currently accessed slave camera would have a different shooting function than the master camera, but that such a feature would not have been allocated to the slave camera. The “allocation” of the functions can only occur at a master camera, which is reason enough why one of ordinary skill in the art would be sufficiently motivated in Paff to replicate the disclosed master camera, as in the rejection. The legal precedence aside, *St. Regis Paper Co. v. Bemis Co., Inc.*, 193 USPQ 8, 11, (7th Cir. 1977), the Examiner notes that Paff discloses the assignment of a master camera in a multiple camera configuration is flexible in that any of the cameras could be a master camera (Paff: column 7, lines 34-37). As such, since Paff discloses that flexible nature of master camera assignment/implementation, this further supports the Examiner’s reasoning that the duplication of a master camera is obvious, as is discussed in the rejection.

Lastly, in response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning (Request for Reconsideration of 5/16/07: page 9, lines 18-21; page 10, lines 1-16), it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Accordingly, the Examiner maintains the Finality of the Office Action of 1/22/07.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy S. Rao whose telephone number is (571)-272-7337. The examiner can normally be reached on Monday-Friday 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571)-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andy S. Rao
Primary Examiner
Art Unit 2621

asr
June 11, 2007

~~APPROVED~~
~~PRIMARY EXAMINER~~